

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIP MORRIS USA, INC.

against

A & V MINIMARKET, INC., ET AL

ATTORNEY/CLIENT: CULLEN & DYKMAN, ESQS
FILE #
INDEX # 07- CIV 8359
DATE INDEX # PURCHASED:
DATE AFFIDAVIT FILED:

AFFIDAVIT OF SERVICE

State of New York, County of Suffolk

I, CURTIS D. DUNCAN being duly sworn according to law upon my oath, depose and say, that deponent is not a party to this action, is over 18 years of age and resides in BAY SHORE, NY.

That on October 1, 2007 at 11:17 AM, deponent served the within named CIVIL COVER SHEET, SUMMONS & COMPLAINT, 7-1 STATEMENT & REPORT ON THE FILINGS OR DETERMINATION OF AN ACTION REGARDING PATENT OR TRADEMARK upon MAJMUD SALEJ, INDIVIDUALLY AND DOING BUSINESS AS SALEJ GROCERY N/K/A JAICO GROCERY, therein named. Said service was effected at , 646 E. 241ST ST, BRONX, NY 10470, in the following manner;

By delivering thereat a true copy of each to JOHNNY DIAZ, MANAGER, a person of suitable age and discretion. That person was also asked by deponent whether said premises was the recipient's actual place of business - dwelling house - usual place of abode and their reply was affirmative.

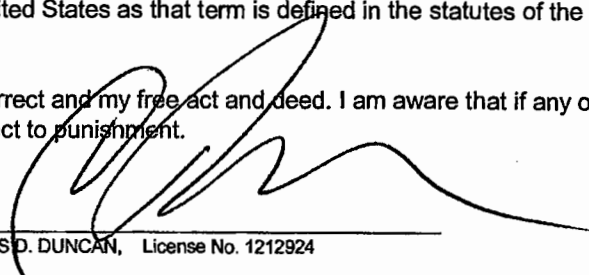
Furthermore, I mailed (first class postage prepaid) additional true and attested copies to the within named MAJMUD SALEJ, INDIVIDUALLY AND DOING BUSINESS AS SALEJ GROCERY N/K/A JAICO GROCERY at , 646 E. 241ST ST, BRONX, NY 10470. Said mailing was placed in an official depository under the exclusive care and custody of the United States Postal Service. The envelope bore the legend "**Personal and Confidential**" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an Attorney or concerned an action against the Defendant.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

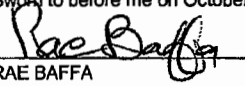
Sex: **Male** Skin: **White** Hair: **Brown** Age(Approx): **38** Height(Approx): **5' 10"** Weight(Approx): **200-225 lbs**
Other:

Above person had asked, whether recipient was in the military service of the State or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the recipient is not in the military service of the State or the United States as that term is defined in the statutes of the State or the Federal Soldiers and Sailors Civil Relief Act.


I certify that the foregoing statements made by me are true, correct and my free act and deed. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


CURTIS D. DUNCAN, License No. 1212924

Sworn to before me on October 10, 2007


RAE BAFFA
Notary Public, State of New York
No. 4920453
Qualified in Suffolk County
Commission Expires July 5, 2010

Sworn before me on October 10, 2007


ANTHONY BAFFA
Notary Public, State of New York
No. 4974975
Qualified in Suffolk County
Commission Expires November 26, 2010

EVEREADY

PROCESS SERVICE INC.
P.O. DRAWER 1537, STONYBROOK, NEW YORK 11790